(111)

HIGH COURT OF CHHATTISGARH AT BILASPUR

Single Bench : Hon'bie Shri Satish K. Agnihotri, J.

W.P. (S) No.4043 of 2006

PETITIONER Smt. Sushma Pandey, wife of Shri Ramesh Kumar Pandey, aged about 30 years, resident of village and post Patna, Tahsil Baikunthpur, District Koriya (C.G)

Vs.

RESPONDENTS

1. State of Chhattisgarh, Through: The Secretary, Department of Women and Child Development of Women and Child Development, D.K.S. Bhawan, Raipur (C.G.)
2. The Commissioner, Women and Child Development, Raipur (C.G.).
3. The Collector, District Koriya, Baikunthpur (C.G.)
4. The Programme/Project Officer, Women and Child Development (Project), Baikunthpur, District Koriya (C.G.)
5. The Chief Executive Officer, Janpad Panchayat, Baikunthpur, District Koriya (C.G.).
6. Janpad Panchayat, Baikunthpur, through: The president, Janpad Panchayat Baikunthpur, District Koriya (C.G.)
7. Smt. Meena Bai wife of Pyarelal, resident of Village and Post Patna, Tahsil Baikunthpur, District Koriya (C.G.)

Present: Shri P.P. Sahu, counsel for the petitioner.

Ms. Anju Ahuja, Dy. Govt. Advocate for the State/respondents 1 to 4.

Shri Prakash Tiwari, counsel for respondent No.7.

ORAL ORDER
(Passed on 2nd April, 2007)

Learned counsel appearing for the petitioner submits that the petitioner has a preferential right of appointment over respondent No.7 because she is already working as Anganwadi Sahayika for the last two years. Learned counsel further submits that the candidature of the petitioner was rejected on the ground that, she is not a resident of the concerned Village.

112

2. Learned counsel appearing for respondent No.7 submits that respondent No.7 being deserted lady has the first preference over all the other ladies. Secondly, respondent No.7 is a member of the backward class community, contrary to the petitioner who belongs to general category.

3. Be that as it may, the collector, Baikunthpur, District Koria is directed to look into the facts of the case and submissions made by their counsel and pass the appropriate order, after affording proper opportunity of hearing to both the parties, in accordance with law as per Anganbadi Scheme, within a period of 3 weeks from the date of receipt of a copy of this order. The parties are at liberty to raise all the grounds whatever is available to them in support of their cases.

4. In view of this, writ petition stands disposed of.

5. Ad interim order granted earlier vide order dated 10.08.2006 shall remain in operation for a period of 3 weeks from the date of this order.

Sd/-
Satish K. Agnihotri
Judge

Indu